

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

T.A. No. 986 of 2018

DATE OF DECISION :- March 05, 2019

Sunita Rani

...Applicant

Versus

Shamsher Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. N.S. Panwar, Advocate for the applicant.

Mr. Manoj Makkar, Advocate for the respondent.

Applicant Sunita Rani, aged about 54 years wife of Shamsher Singh-respondent, presently residing at Sonipat on account of matrimonial discord between the spouses, by way of filing the instant application seeks transfer of petition under Section 13 of the Hindu Marriage Act filed by her husband Shamsher Singh against her having title 'Shamsher Singh Vs. Sunita Rani' pending in the Court of District Judge (Family Court), Rohtak to the Court of competent jurisdiction at Sonipat.

According to the applicant, she is aged about 54 years. She was married with the respondent on 18.6.1981. The couple was blessed with two children i.e. a son namely Amit and a daughter namely Jyoti. The son is serving in Indian Army whereas the daughter is working as Assistant Professor of Physics at Government College for Women at Murthal,

Sonipat; that the spouses are residing separately on account of matrimonial discord between them. The respondent had filed a petition under section 9 of the Hindu Marriage Act at Rohtak, however, on applicant approaching this Court for transfer of the said petition by way of filing Transfer Application No. 22 of 2016, the application was accepted and vide order dated 3.2.2016, the petition was transferred from the Court of District Judge, Rohtak to the Court of District Judge, Sonipat. Now the respondent has filed a divorce petition against her in the Court at Rohtak. She being an old woman, it is difficult for her to travel from Sonipat to Rohtak to attend the date of hearing there, therefore, the application be accepted.

The application is being resisted on behalf of the respondent. It is contended on his behalf that he is an old man of 65 years and he has met with an accident and has suffered multiple injuries. Further, he is paying maintenance to the applicant regularly who can very well appear in the Court at Rohtak. It is further contended that parental house of Sunita Rani is at Rohtak and she is residing with her daughter at Sonipat as a temporary measure, therefore the application be dismissed. In support of his contentions, learned counsel for the respondent has referred to authority 'Veena Vs. Vinay Kumar 1992(1) HLR 380'.

I have heard learned counsel for the parties besides going through the record.

Keeping in view the contentions in the application and submissions made by learned counsel for the applicant, in which I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate if the application is accepted. The same is accordingly allowed.

The petition in question is ordered to be withdrawn from the Court of District Judge (Family Court), Rohtak and transferred to Family Court at Sonipat for disposal in accordance with law.

The parties through their counsel are directed to appear in the transferee Court on 2.4.2019. Copies of orders be sent to the Court of District Judge (Family Court), Rohtak as well as to the Family Court at Sonipat for information and necessary compliance.

(H.S. MADAAN)
JUDGE

March 05, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No